

OCT 16 2006

Serial No.: 10/696,626
Art Unit: 2611**REMARKS**

This is a full and timely response to the outstanding non-final Office Action mailed July 14, 2006. Reconsideration and allowance of the application and pending claims 1-33 are respectfully requested.

I. Claim Rejection – 35 U.S.C. § 102(b)**A. Statement of the Rejection**

Claim 28 has been rejected under 35 U.S.C. § 102(b) as allegedly anticipated by *Isberg et al.* ("*Isberg*," U.S. Pat. No. 6,029,052). Applicants respectfully traverse this rejection.

B. Discussion of the Rejection

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983)(emphasis added). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(b).

In the present case, not every feature of the claimed invention is represented in the *Isberg* reference.

OCT 16 2006

Serial No.: 10/696,626

Art Unit: 2611

Independent Claim 28

Claim 28 recites (with emphasis added):

28. A multi-mode receiver system, comprising:
a code-division multiple access system having a common baseband system; and
a digital-broadcast system that shares the common baseband system with the code-division multiple access system.

Applicants respectfully submit that *Isberg* does not disclose, teach, or suggest at least the above-emphasized claim features. That is, there is no explicit or implicit disclosure of CDMA or DBS systems in *Isberg*.

Further, Applicants respectfully traverse the allegation on pages 5-6 with regard to the system in *Isberg* that "it is inherent for such a system to be able to receive signals from a digital broadcast system." Applicants respectfully submit that such reasoning is comparable to saying that "since there is a vehicle parking garage outside, all vehicles can be parked in there." However, one would not expect to find an Abrams tank parked in the garage since there are certain size restrictions and weight limitations associated with the parking garage. Similarly, simply because *Isberg* can handle some standards (e.g., GSM) does not necessarily equate to the ability to handle CDMA and DBS, especially given the disparities in operating bands and hence differing component/system requirements as to bandwidth, filtering selectivity, etc. According to well-established case law (with emphasis added), "[T]o establish inherency, the extrinsic evidence 'must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.'" *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949,

Serial No.: 10/696,626
Art Unit: 2611

1950-51 (Fed. Cir. 1999) (citations omitted) Nothing in *Isberg* teaches or suggests that DBS or CDMA can be handled by the system of *Isberg*, and thus Applicants respectfully submit that the allegation of inherency is incorrect and should be withdrawn.

Because independent claim 28 is allowable over *Isberg*, dependent claims 29-33 are allowable as a matter of law for at least the reason that the dependent claims 29-33 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

II. Claim Rejections - 35 U.S.C. § 103(a)

A. Statement of the Rejection

Claims 1-11 and 14-27 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Isberg* in view of *Rahman et al.* ("*Rahman*," U.S. Pat. No. 6,560,447). Applicants respectfully traverse these rejections. Claims 12 and 13 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Isberg* in view of *Rahman* and further in view of *Robinett* ("*Robinett*," U.S. Pat. Publication No. 20020193108). Claims 29-33 have been rejected under 35 U.S.C. §103(a) as allegedly unpatentable over *Isberg* in view of *Rahman*. Applicants respectfully traverse these rejections.

B. Discussion of the Rejection

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section

Serial No.: 10/696,626
Art Unit: 2611

2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, Applicants respectfully submit that a *prima facie* case for obviousness has not been established.

Independent Claim 1

Claim 1 recites (with emphasis added):

1. A method for receiving signals based on a plurality of systems, the method comprising:
 - converting a first signal based on a first system to a first baseband signal;
 - converting a second signal based on a second system to a second baseband signal;
 - processing the first baseband signal using baseband components;
 - and
 - processing the second baseband signal using the baseband components, wherein processing the first baseband signal and the second baseband signal comprises selectively filtering and selectively DC-offset correcting the first and second baseband signals, wherein selectively filtering and ***selectively DC-offset correcting*** comprises selecting different filtering bandwidths and different DC-offset correcting bandwidths ***based on which system baseband signal is to be processed***.

Applicants respectfully submit that *Isberg* in view of *Rahman* does not disclose at least the emphasized claim features. *Rahman* appears to describe a single-mode system, and provides an explanation for the purpose behind DC-offset correction in its corresponding system in col. 3, lines 56-61:

Serial No.: 10/696,626
Art Unit: 2611

One purpose of the DC offset correction circuit 68 is to avoid clipping and preserve dynamic range of the anti-aliasing filter 65 and the analog to digital converter 66. Further, the DC offset correction circuit 68 minimizes DC offsets, thereby maximizing receiver performance under varying signal conditions.

Nothing in the above-cited section or elsewhere within *Rahman* (or *Isberg*) discloses, teaches, or suggests the need for DC offset correcting based on different baseband system signals. Thus, Applicants respectfully request that the rejection to claim 1 be withdrawn.

Because independent claim 1 is allowable over *Isberg*, dependent claims 2-10 are allowable as a matter of law.

Additionally, Applicants respectfully submit that the combination of *Rahman* and *Isberg* is not obvious, and in fact, unreasonable. For instance, *Isberg* appears to teach a multi-mode direct conversion system (see title) that fails to disclose, teach, or suggest DC offset correction. In fact, it is pointed out in *Isberg* that *Isberg's* system employs "conventional baseband processing" (col. 3, lines 50-53). A brief review of several patents that issued before the filing date of *Isberg* (and hence conventional), including U.S. Patent Nos. 5,584,059, 5,583,501, and 5,548,244, do not appear to disclose selecting different DC offset bandwidths as recited in claim 1. *Rahman*, on the other hand, does not disclose a multi-mode system, and (referring to Figure 2) appears to use a non-programmable anti-aliasing filter 65 that precedes the DC offset correction element 84. That is, the problems in *Rahman* associated with maintaining the anti-aliasing filter's dynamic range may not be a problem given the types of filters implemented in *Isberg*, and hence combining *Rahman* with *Isberg* may be fixing a problem that does not exist and may unnecessarily add cost, both of which would dissuade one from combining the two references. Thus, for at least the reasons stated above, Applicants respectfully request that the rejection be withdrawn.

Serial No.: 10/696,626
Art Unit: 2611

Independent Claim 11

Claim 11 recites (with emphasis added):

11. A multi-mode receiver system for processing signals based on a plurality of systems, comprising:
a baseband section configured to process a first baseband signal based on a first system using baseband components, wherein the baseband section is further configured to process a second baseband signal based on a second system using the baseband components; **wherein the baseband components comprise bandwidth-switchable low-pass filters and bandwidth-switchable DC-offset correction elements.**

For at least the reasons presented above in association with claim 1, Applicants respectfully submit that the combination of *Isberg* and *Rahman* is not obvious, and further that the addition of *Robinet* (as pertaining to dependent claims 12-13) does not remedy the deficiencies engendered by such a combination. Accordingly, Applicants respectfully request that the rejection to claims 11-20 be withdrawn.

Independent Claim 21

Claim 21 recites (with emphasis added):

21. A transceiver, comprising:
means for transmitting signals;
means for receiving signals, wherein the means for receiving includes pre-converting processing means;
means for converting a first signal based on a first system to a first baseband signal;
means for converting a second signal based on a second system to a second baseband signal; and
means for processing the first baseband signal, wherein the means for processing the first baseband signal is used for processing the second baseband signal, wherein the means for processing the first baseband signal comprises means for selectively filtering and means for selectively DC-offset correcting the first and second baseband signals, wherein the means for selectively filtering and the **means for selectively DC-offset correcting** comprises means for selecting different filtering bandwidths and **means for selecting different DC-offset correcting**

Serial No.: 10/696,626

Art Unit: 2611

bandwidths based on which system baseband signal is to be processed.

Applicants respectfully submit that for at least the reasons presented in association with claim 1, *Isberg* in view of *Rahman* does not disclose at least the emphasized claim features. Hence, Applicants respectfully request that the rejection to independent claim 21 be withdrawn.

Because independent claim 21 is allowable over *Isberg* in view of *Rahman*, dependent claims 22-27 are allowable as a matter of law.

Additionally, for at least the reasons presented above in association with claim 1, Applicants respectfully submit that the combination of *Isberg* and *Rahman* is not obvious. Accordingly, Applicants respectfully request that the rejection to claims 21-27 be withdrawn.

Dependent Claims 29-33

For at least the reason that *Isberg* does not disclose, teach, or suggest the above-emphasized features of independent claim 28, Applicants respectfully submit that dependent claims 29-33, which incorporate the allowable base claim features, are allowable as a matter of law. Accordingly, Applicants respectfully request that the rejection to dependent claims 29-33 be withdrawn.

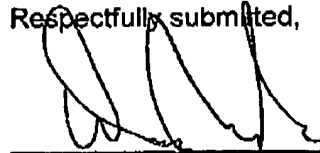
In summary, it is Applicants' position that a *prima facie* for obviousness has not been made against Applicants' claims. Therefore, it is respectfully submitted that each of these claims is patentable over the art of record and that the rejection of these claims should be withdrawn.

OCT 16 2006

Serial No.: 10/696,626
Art Unit: 2611**CONCLUSION**

Applicants respectfully submit that Applicants' pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. Any other statements in the Office Actions that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



David Rodack
Registration No. 47,034

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500